

IOWA BOARD OF DENTAL EXAMINERS

AUGUST 25, 2006, MEETING MINUTES DES MOINES, IOWA

AMENDED At the February 1, 2007, teleconference board meeting, the Board voted to amend the August, 2006, minutes to include disciplinary orders.

The meeting of the Iowa Board of Dental Examiners was called to order at 10:00 a.m. on Friday, August 25, 2006, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the Chairperson of the Board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson
Richard M. Reay, D.D.S., Vice-Chairperson
Debra L. Yossi, R.D.H., Secretary
Elizabeth Brennan, Public Member
Eileen A. Cacioppo, R.D.H.
Alan D. Hathaway, D.D.S.
Gary D. Roth, D.D.S.
Suzan Stewart, Public Member
Peter L. Vidal, D.D.S.

Also present: Constance L. Price, Executive Director
Christel Braness, Administrative Assistant
Phil T. McCollum, Investigator
Dee Ann Argo, Administrative Assistant
Theresa O'Connell Weeg, Assistant Attorney General
Jennifer Hart, Executive Officer
Janet Arjes, Executive Officer

PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MINUTES

Motion by Ms. Cacioppo, seconded by Dr. Roth, to approve the minutes of the June 15, 2006, July 6, 2006, and August 1, 2006, meetings of the Board as written.

Vote: Unanimous.
Motion carried.

EXECUTIVE DIRECTOR REPORT

CONFERENCE ROOM REMODEL

Ms. Price reported that the remodel of the conference room was complete. Ms. Price thanked the Iowa Board of Pharmacy Examiners and Iowa Board of Medical Examiners for giving up some space to allow for the expansion of the conference room.

STAFFING CHANGES

Ms. Price reported that administrative staff is in transition. Ms. Price reported that Linda Pickering retired and that Christel Braness has been promoted to replace Linda Pickering as administrative assistant. Angela Davidson was hired to replace Christel Braness as a clerk specialist.

FISCAL YEAR 2007

Ms. Price reported on the current fiscal year data, which reflects three revenue and expenditure organizations.

FISCAL YEAR 2008

The state legislature passed a bill that will allow the Board to retain 100% of any revenues generated. Beginning July 1, 2007, the Iowa Board of Dental Examiners will retain 100% of all revenues received; fees left over at the end of the fiscal year will no longer revert back to the state's general fund. The Board will no longer receive an appropriation, but must fully fund each year's expenditures with sufficient revenue.

MEETING WITH DENTAL SOCIETY PRESIDENTS

Ms. Price reported that Board members met with the dental society presidents in May. Dr. Kuempel, Dr. Reay, and Dr. Roth were present to discuss current topics of interest, which included CDC information, expanded functions for dental assistants in a pediatric practice, and anesthesia regulations.

MEETING WITH SENIOR DENTAL STUDENTS

The Iowa Board of Dental Examiners has been invited to meet with the senior dental students at the University of Iowa College of Dentistry next year. The meeting has been scheduled for Wednesday, March 21, 2007. Dr. Kuempel and Phil McCollum met with the junior dental students this past year. They did a PowerPoint presentation covering a variety of material including Board responsibilities and the investigative and disciplinary process. This is the same group of students that the Board will meet with next year. The Board will consider adding a question and answer session in March to review different information.

AADE ANNUAL SESSION
AADA ANNUAL SESSION

The AADE is meeting October 14-15, 2006, in Las Vegas. Ms. Price will be in Las Vegas from October 11-13, 2006, attending the AADA meetings. The Board asked Ms. Price to also attend the AADE meetings.

RENEWAL

The license renewal cycle for dentists and dental hygienists has concluded. Dentists renewed their license for two years and dental hygienists renewed their license for one year. Next fiscal year, dental assistants and dental hygienists will renew for two years. The change in the renewal cycle for dental hygiene will help to even out board revenues.

EXECUTIVE COMMITTEE REPORT

The executive committee suggested that the Board post pictures of the members on its website. The Board members concurred and will have their pictures taken at its next meeting.

SCHEDULE MEETING WITH ASSOCIATIONS

The executive committee expressed an interest in scheduling spring and fall meetings with the professional associations (Iowa Dental Association, Iowa Dental Hygiene Association, and the Iowa Dental Assistants Association) in order to exchange ideas relating to the Board.

DAVID HOLMES, D.D.S., and MICHAEL KANELIS, D.D.S.
UNIVERSITY OF IOWA COLLEGE OF DENTISTRY

Dr. Holmes and Dr. Kanellis addressed the members of the Board about the CRDTS/ADEX examination experience at the University of Iowa College of Dentistry. Dr. Holmes reported that there have been certain problems with the implementation of the ADEX examination. Dr. Kanellis proposed that the Board possibly look into licensing University of Iowa College of Dentistry graduates without a clinical examination requirement. Data was presented concerning the performance of students on the new ADEX examination and class standing. Board members were also informed of problems receiving practice materials from CRDTS for students to practice for the exam.

Dr. Kuempel suggested that the Board appoint an ad hoc committee to look into these issues. Dr. Kuempel, Dr. Roth, Dr. Vidal, Dr. Holmes, and Dr. Kanellis agreed to sit on the committee.

CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)

DENTAL STEERING COMMITTEE REPORT

Richard M. Reay, D.D.S.

Dr. Reay did not have a report as the Steering Committee is scheduled to meet September 9, 2006. Dr. Reay suggested that the Board consider replacing him on the Steering Committee as his Board appointment expires in April of 2007.

Motion by Dr. Reay, seconded by Dr. Roth, to appoint Dr. Vidal to the Steering Committee.

Vote: Unanimous.

Motion carried.

Dr. Reay and Dr. Vidal will attend the Steering Committee meeting together in Kansas City, MO on September 9, 2006.

DENTAL EXAMINATION REVIEW COMMITTEE

Gary D. Roth, D.D.S.

Dr. Roth did not have a report at this time.

DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Eileen A. Cacioppo, R.D.H.

Ms. Cacioppo reported that she would be leaving after the Board meeting to attend the Dental Hygiene Examination Review Committee on August 25-26, 2006. Ms. Cacioppo will ask the Examination Review Committee to consider making the fee to file a complaint with CRDTS to appeal the score awarded refundable if the complaint is founded.

FAILURE RATE CONCERNS

The Board considered information regarding concerns expressed by Representative Philip Wise about the dental hygiene CRDTS examination. The Dental Hygiene Committee prepared a draft response for Board review. The Board members carefully reviewed all of the information provided and suggested additional information be sent to Representative Wise.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to send a detailed response to Representative Wise as discussed.

Vote: Unanimous.

Motion carried.

ANESTHESIA CREDENTIALS COMMITTEE

Dr. Roth reported that the Anesthesia Credentials Committee met on May 8, 2006. Dr. Roth also reported that Dr. Lew had asked to be excused from the committee and reported that the committee recommends that Dr. Steven Clark be appointed as his replacement to the committee.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to appoint Dr. Steven Clark to the Anesthesia Credentials Committee.

Vote: Unanimous.

Motion carried.

APPLICATION REVISIONS

Dr. Roth reported that there was a need to clarify and therefore assist Iowa dentists in obtaining the required airway management training. As a result, the applications for conscious sedation permit and deep sedation/general anesthesia permit have been revised. The application now allows the training program director to verify that the applicant has sufficient knowledge in airway management.

Dr. Roth reported that the committee would like to work on developing a course that would be available for renewal of conscious sedation permits. The course would concentrate on airway management. This would also be consistent with recent recommendations in the Journal of the American Dental Association (JADA). The committee will contact Dr. Clark at the University of Iowa College of Dentistry concerning this project.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to approve the new sedation application as revised.

Vote: Unanimous.

Motion carried.

EQUIPMENT EXEMPTIONS

During renewal of general anesthesia and conscious sedation permits, a number of dentists reported that they do not have an analgesia machine in the dental office. These permit holders do not utilize inhalation analgesia.

Motion by Ms. Cacioppo, seconded by Dr. Vidal, to approve equipment exemptions for the renewal of the conscious sedation or deep sedation/general anesthesia permit holders for those who do not utilize inhalation analgesia, and therefore, who do not have analgesia machines in the dental office.

Vote: Unanimous.

Motion carried.

APPLICATIONS FOR CONSCIOUS SEDATION OR DEEP SEDATION/GENERAL ANESTHESIA

Dr. Roth reported on applications to obtain a conscious sedation or deep sedation/general anesthesia permit. The Anesthesia Credentials Committee reviewed the applications and the committee recommends approval by the Board.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to approve the applications for deep sedation/general anesthesia and conscious sedation permits as presented to the Board.

Vote: Unanimous.
Motion carried.

CONTINUING EDUCATION ADVISORY COMMITTEE

Ms. Cacioppo reported that a dental hygiene member of the Continuing Education Advisory Committee was retiring and can no longer serve on the committee. Ms. Cacioppo recommended that Marilyn Corwin be appointed as her replacement. Ms. Corwin is a former Board member and would be willing to serve on the committee.

Motion by Ms. Cacioppo, seconded by Dr. Hathaway, to appoint Marilyn Corwin to the Continuing Education Advisory Committee.

Vote: Unanimous.
Motion carried.

Ms. Caccioppo reported that Met Life has made application to be an approved sponsor of continuing education.

Motion by Ms. Cacioppo, seconded by Dr. Reay, to approve Met Life as a Board-approved sponsor for continuing education.

Vote: Unanimous.
Motion carried.

CONTINUING EDUCATION AUDIT

Ms. Cacioppo reported that of the dental hygienists selected for audit, all complied with the audit; one dental hygienist did not renew her license. Of the dentists selected for audit, all complied with the audit; three did not renew; one renewed inactive; one retired.

Ms. Cacioppo reported that the Southeast Iowa Dental Society had submitted a request for prior approval of a continuing education course, "What's New in Dental Pharmacology?" Ms. Cacioppo reviewed the course and recommended that six hours of credit be awarded.

Motion by Ms. Cacioppo, seconded by Ms. Yossi, to recommend Board approval of this continuing education course of study.

Vote: Unanimous.
Motion carried.

Ms. Cacioppo reported that Dr. Bob Russell, Dental Director at the Iowa Department of Public Health, would be presenting a continuing education course in September 2006 on emergency preparedness. The course will be given at the fall meeting of the Iowa Dental Assistants Association.

Motion by Dr. Reay, seconded by Ms. Yossi, to approve the course for continuing education credit.

Vote: Unanimous.
Motion carried.

ACCREDITATION SITE VISIT

Ms. Cacioppo went on two accreditation site visits at Northeast Iowa Community College in Peosta and Scott Community College in Bettendorf, Iowa. Ms. Cacioppo reported that the visits went well. Ms. Cacioppo also shared part of a letter she received from a program director who expressed gratitude that a representative of the Board observed the accreditation process.

DENTAL HYGIENE COMMITTEE

Ms. Yossi reported that the Dental Hygiene Committee met in open session and recommended approval of local anesthesia courses at the University of Alberta, Canada, and Minnesota State University.

Motion by Ms. Yossi, seconded by Dr. Roth, to ratify the Dental Hygiene Committee recommendation to approve the local anesthesia courses from the University of Alberta and Minnesota State University.

Vote: Unanimous.
Motion carried.

PUBLIC HEALTH SUPERVISION REPORT

The Dental Hygiene Committee recommended that the Board forward the public health supervision data to interested parties along with a letter of support for the program. Ms. Yossi reported that the program has been successful in providing service to a large number of Iowans.

Ms. Hart also reported that she has not received any complaints about public health supervision and it appears to be working well.

NURSING HOME PROJECT

Ms. Yossi reported that the Dental Hygiene Committee has reviewed information provided by Sandra Leggett, D.H and Daniel Venker, D.D.S. concerning a proposed nursing home project by the Des Moines District Dental Society. Ms. Yossi reported that it appears that this would be allowed under current Board rules.

The project uses dental hygienists, working under the general supervision of a dentist, to provide oral screening of nursing home residents, dental referral and follow-up, individualized oral hygiene care plans, application of fluoride varnish, and in-service training for nursing staff.

Motion by Ms. Cacioppo, seconded by Ms. Yossi, to send a letter confirming that based upon the information supplied, the program would be allowed under Board rules.

Vote: Unanimous.
Motion carried.

REMEDIAL EDUCATION

Ms. Yossi reported that the committee is reviewing its rules for remedial education after examination failures. This review is necessary because the new ADEX examination is administered in separate parts. Under the new ADEX format, it is possible for a candidate to retake only a portion of the examination.

EXAMINATION COMPLAINTS

This information was addressed previously in the Board meeting.

ELECTION OF DENTIST MEMBER TO THE COMMITTEE

Motion by Ms. Yossi, seconded by Ms. Cacioppo, to reappoint Dr. Hathaway to the Dental Hygiene Committee.

Vote: Unanimous.
Motion carried.

DENTAL ASSISTANT COMMITTEE

Dr. Roth reported the Dental Assistant Committee met to discuss a nitrous oxide monitoring course offered by Dr. Hal Harris. The course Dr. Harris is presenting does not have a clinical component. Rather, the employer dentist would conduct the clinical portion in office.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to accept the Dental Assistant Committee's recommendation to approve the course for expanded function training.

Vote: Unanimous.
Motion carried.

CONSIDERATION OF RULES

Ms. Hart reported that the Annual Regulatory Plan has been prepared for fiscal year 2007. This plan is required of all agencies pursuant to Executive Order Nine. The plan will be published on the Board's website.

IOWA ADMINISTRATIVE CODE 650
CHAPTER 11, LICENSURE TO PRACTICE DENTISTRY OR DENTAL HYGIENE
CHAPTER 12, DENTAL AND DENTAL HYGIENE EXAMINATIONS

Ms. Hart reported that the amendments as adopted by the Board at the April 4-5, 2006, meeting went into effect May 31, 2006.

IOWA ADMINISTRATIVE CODE 650
CHAPTER 14, RENEWAL
CHAPTER 25, CONTINUING EDUCATION

Ms. Hart reported that the amendments as adopted by the Board at the April 4-5, 2006, meeting went into effect July 1, 2006.

IOWA ADMINISTRATIVE CODE 650
CHAPTER 25, CONTINUING EDUCATION

Ms. Hart explained that the amendment allows continuing education credit for jurisprudence courses. The course must be specific to Iowa jurisprudence. To be eligible for credit, the course would also need to be prior-approved by the Board. The Board asked that a reference to 'government regulations' be left in the original subrule.

Motion by Ms. Cacioppo, seconded by Ms. Stewart, to file Notice of Intended Action. The public hearing on the proposed amendment will be October 17, 2006.

Vote: Unanimous.
Motion carried.

IOWA ADMINISTRATIVE CODE 650
CHAPTER 29, DEEP SEDATION/GENERAL ANESTHESIA, CONSCIOUS SEDATION
AND NITROUS OXIDE INHALATION ANALGESIA

Ms. Hart explained that the proposed amendments would clarify training, facility and equipment requirements for applications for deep/sedation general anesthesia and conscious sedation permits. The proposed rule changes would also increase the amount that the Board may recoup for the cost of an on-site evaluation where sedation services are provided. Only actual costs

would be assessed, up to a maximum \$500. The Board also asked that the amendments specify that permit holders cannot sedate pediatric or medically compromised patients unless the applicant has completed an accredited residency program, as recommended by the Anesthesia Credentials Committee.

Motion by Ms. Yossi, seconded by Ms. Cacioppo, to file Notice of Intended Action. The public hearing on the proposed amendments will be October 17, 2006.

Vote: Unanimous.

Motion carried.

LEGISLATIVE ISSUES

HJR 2006

Ms. Price reported that this resolution was passed by the both the House of Representatives and the Senate. Dr. Kuempel expressed that licensees still have a responsibility to act responsibly and ethically, as required by law.

BOARD NAME CHANGE

The Board discussed the idea of changing the name of the Iowa Board of Dental Examiners. The Board members agreed to propose the name be changed to Iowa Dental Board.

DENTAL GRILLS

Members of the Board expressed concern about unlicensed practitioners making impressions for use in making dental grills. Members of the Board stated that it is not appropriate for anyone who is not a dentist to make impressions. The Board may want to consider a public statement discouraging the use of dental grills.

Ms. Price reported that the Minnesota Board of Dentistry was considering cease and desist orders for non-dentists who were performing dentistry in preparation for a dental grill. Ms. Price also reported that New Jersey considers the taking of impressions for dental grills as the practice of dentistry.

Motion by Ms. Yossi, seconded by Dr. Vidal, to further review this matter.

Vote: Unanimous.

Motion carried.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

REQUEST FOR WAIVERS

The Board has received a request for waiver from Dr. Adrienne Jennings. Dr. Jennings was requesting a waiver of the three-year practice requirement for licensure by credentials. She has practiced for only one year and seven months. The Board denied a similar waiver request a few months ago. Reducing the number of years required for licensure by credentials could render the requirement meaningless. The goal is to ensure that a person who has not passed the Board's clinical examination has practiced without problems in another state. The applicant has not demonstrated that waiving the rule would provide substantial equal protection of public health, safety, and welfare.

Motion by Ms. Cacioppo, seconded by Dr. Roth, to deny the request for waiver.

Vote: Unanimous.

Motion carried.

REQUEST FOR EXTENSION

The requests for extension involve health care conditions of the individuals requesting waiver. Therefore, those requests will be considered in the closed session meeting of the Board.

APPROVAL OF APPLICATIONS

The Board was provided a list of the applications for licensure, permit, and/or registration that have been processed since the last Board meeting.

Between April 1, 2006, and August 24, 2006, the Board licensed 58 dentists and 83 dental hygienists; the Board issued 6 faculty permits, 18 resident dental permits, a deep sedation/general anesthesia permit, 2 conscious sedation permits, and 82 local anesthesia permits. The Board registered 167 dental assistants with the additional qualification in dental radiography and 8 registered without qualification; the Board issued 1 qualification in dental radiography without registration, and trainee status to 113 dental assistants.

Motion by Dr. Roth, seconded by Ms. Cacioppo, to approve the list as provided.

Vote: Unanimous.

Motion carried.

ELECTION OF OFFICERS

Motion by Ms. Cacioppo, seconded by Dr. Hathaway, to reappoint the officers of the Board as currently established.

Vote: Unanimous.

Motion carried.

AD-HOC COMMITTEES

Motion by Dr. Roth, seconded by Ms. Cacioppo, to reappoint the members of the ad hoc committees as currently established.

Vote: Unanimous.
Motion Carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

The Board adjourned the open session of its meeting at 12:40 p.m.

CLOSED SESSION

Motion by Ms. Stewart, seconded Dr. Roth for the Board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and to discuss decisions to be rendered in contested cases.

Vote: Ms. Stewart, aye; Mrs. Cacioppo, aye; Dr. Roth, aye; Dr. Reay, aye; Dr. Kuempel, aye; Dr. Vidal, aye; Dr. Hathaway, aye; Ms. Brennan, aye; Mrs. Yossi, aye.

Motion by Dr. Roth, seconded Ms. Cacioppo, for the Board to return to open session.

DISCIPLINARY ORDERS

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF TERESA SKAFF-HADDAD, RDA

The Board considered a proposed Combined Notice of Hearing, Settlement Agreement, and Final Order regarding this matter.

Motion by Ms. Yossi, seconded Ms. Stewart that the Board accept the Combined Notice of Hearing, Settlement Agreement and Final Order in this matter as proposed.

Vote: Unanimous.
Motion Carried

IN THE MATTER OF
ROBERT A. DUBAY, DDS

The Board considered a proposed Combined Notice of Hearing, Settlement Agreement, and Final Order in this matter.

Motion by Ms. Yossi, seconded Dr. Hathaway, that the Board accept the Combined Notice of Hearing, Settlement Agreement and Final Order in this matter as proposed.

Vote: Unanimous.
Motion Carried

IN THE MATTER OF
NANCY G. MILLER, RDH

The Board considered a proposed Combined Notice of Hearing, Settlement Agreement, and Final Order in this matter which is the recommendation from the Dental Hygiene Committee.

Motion by Ms. Cacioppo, seconded Ms. Brennan, that the Board determined to approve the proposed Combined Notice of Hearing, Settlement Agreement, and Final Order in this matter as recommended by the Dental Hygiene Committee.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
CHARITY N. GATHRIGHT, RDH

Dr. Roth did not participate in the discussion of this matter.

The members of the Board considered a proposed Combined Notice of Hearing, Settlement Agreement, and Final Order regarding this matter.

Motion by Ms. Yossi, seconded Dr. Hathaway, that the Board accept the Dental Hygiene Committee's recommendation to approve the Combined Notice of Hearing, Settlement Agreement and Final Order as proposed in this matter.

Vote: Ms. Yossi, aye; Dr. Hathaway, aye; Dr. Reay, aye; Mrs. Brennan, aye; Dr. Vidal, aye; Dr. Roth abstain.
Motion Carried.

IN THE MATTER OF
TONYA G. FAIN-FULLER, RDA

The members of the Board considered a Registration Stipulation and Consent Order regarding this dental assistant.

Motion by Ms. Yossi, seconded Dr. Hathaway, that the Board accept the Registration Stipulation and Consent Order as proposed regarding this dental assistant.

Vote: Unanimous.
Motion Carried.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for October 24-25, 2006, in Des Moines, Iowa.

ADJOURNMENT

The Board adjourned its meeting at 5:05 p.m.

Respectfully Submitted,

CONSTANCE L. PRICE
Executive Director

CLP/cb